

SYNOPSIS OF LITIGATION FOR CUMBERLAND COUNTY
JULY 1, 2015, THROUGH OCTOBER 31, 2016

#1

Name of Case: Spec Ops Expo; Spec-Ops Expo; Spec Ops; Special Operations Expo; Special Operations Exposition and Trade Show, Inc.; Special Operations Exposition & Conference; Thomas Bumback; and J. K. Idema v. The Lodestar Group, LLC; Defense Trade Shows; Catherine Vilga; Jeanne Eury; Robert E. Besal; Grainger R. Barrett; Rick Reno; Dionne LeBlanc-Hill; Cumberland County Civic Center; Crown Center; Cumberland County Civic Center Commission; Cumberland County Civic Center Commission, d/b/a Crown Center and d/b/a Crown Coliseum; Crown Center a/k/a Coliseum; and John Does 1-12; in their official and unofficial capacities

United States District Court for the Southern District of New York
Case No.: 08 CVS 3824 (PAC)

Date of the Complaint or Claim: April 22, 2008

What is the Complaint or Case About: Breach of contract, defamation

What is the Relief Sought: Monetary damages.

What is the Current Status of the Case or Claim: Attorney David Schulz of the firm, Levine Sullivan Koch & Schulz, LLP, has been retained as local counsel for all county defendants. The matter is still pending in the U. S. District Court for the Southern District of New York. According to court records, there has been no activity in this case since September 2008. A Minute Order was entered by the court on May 31, 2011, showing the case as not open for statistical purposes. Plaintiff J. K. Idema died in 2012.

What is the Prognosis of Recovery: Highly unlikely

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: N/A

What is the Date this Case or Claim was Closed: Open.

Who is the Attorney Representing the County and/or its Employees: Ronnie Mitchell, David Schultz, Jack Carter (representing Grainger Barrett, now deceased), Steven Stokes, and Reginald Gillespie

#2

Name of Case: Glenn Henderson v. Jim Ammons, Mary Ann Tally, Nathan Hatch, Cape Fear Valley Medical Center, Fayetteville, NC, Cumberland County, NC, State of NC, Wake Forest University, Bank of America, Fayetteville Technical Community College, Eaton, BB&T, Methodist University, Cape Fear Staffing, WF Doe, Does on WF Incident Report Committee
Case No.: 5:14-CV-210-BR

Date of the Complaint or Claim: April 4, 2014

What is the Complaint or Case About: Plaintiff has made rambling allegations against numerous unrelated defendants. As to Cumberland County, he alleges he should have been hired for positions for which he applied.

What is the Relief Sought: Monetary Damages

What is the Current Status of the Case or Claim: The Defendants, including Cumberland County, filed Motions to Dismiss, and the U.S. District Court granted all of the Motions to Dismiss. Mr. Henderson appealed to the U.S. Court of Appeals which affirmed the Dismissals. Mr. Henderson Petitioned for Review to the U.S. Supreme Court which was denied on October 3, 2016.

What is the Prognosis of Recovery: N/A

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: none.

What is the Date this Case or Claim was Closed: October 3, 2016

Who is the Attorney Representing the County and/or its Employees: Rob Hasty from the County Attorney's office

#3

Name of Case: Roundpoint Asset Management, Inc. v. Cumberland County
Case No.: 15 CVS 2787

Date of the Complaint or Claim: April 15, 2015

What is the Complaint or Case About: This case is a challenge to an order to demolish a house due to the property not being able to maintain a viable septic system and alleges fraud on behalf of the County in auctioning the property and then seeking to have it demolished.

What is the Relief Sought: The Plaintiff purchased the property at auction and seeks to permanently enjoin the demolition so that a new type of septic system can be installed as well as actual and punitive damages and attorney fees.

What is the Current Status of the Case or Claim: The Court initially granted injunctive relief to Plaintiff while the septic system was being installed per a permit issued by the State of North Carolina. Once the system was shown to be installed, the Court granted Summary Judgment on February 11, 2016, repealing the demolition after Plaintiff. The fraud claim was dismissed.

What is the Prognosis of Recovery: N/A

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment:
None

What is the Date this Case or Claim was Closed: February 11, 2016

Who is the Attorney Representing the County and/or its Employees: Rob Hasty from the County Attorney's office.

#4

Name of Case: Amber N. Davis v. Cumberland County, Christopher Eaton, and Robin Eaton
Case No.: 15 CVS 2405

Date of the Complaint or Claim: April 1, 2015

What is the Complaint or Case About: The Plaintiff alleges her dog was lost, turned in to Cumberland County Animal Control as a stray and adopted out. She alleges the adoption was improper and seeks the dog's return.

What is the Relief Sought: The Plaintiff seeks the return of her dog. She also seeks damages for breach of contract and various torts.

What is the Current Status of the Case or Claim: Defendants filed Motions to Dismiss which were argued in December, 2015, and the Court dismissed the tort claims against the County, leaving the breach of contract claims in place. Motions for Summary Judgment on the contract claims were filed and calendared for February 8, 2016. On the day of the scheduled Motion hearing, Plaintiff's counsel advised that his client desired to dismiss the suit, and a consent order was entered dismissing the claims with prejudice (they cannot be brought again).

What is the Prognosis of Recovery: N/A.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: None.

What is the Date this Case or Claim was Closed: February 8, 2016

Who is the Attorney Representing the County and/or its Employees: Rob Hasty from the County Attorney's office.

#5

Name of Case: Clifford Leon Lee, II v. Cumberland County, Angela Campbell, Sheriff Butler, et al.
Case No.: 14 CVS 9502

Date of the Complaint or Claim: December 9, 2014

What is the Complaint or Case About: Plaintiff alleges he was wrongly arrested for failing to pay child support. Plaintiff is a former attorney representing himself pro se.

What is the Relief Sought: The Plaintiff is seeking damages for negligence, false imprisonment, and intentional infliction of emotional distress.

What is the Current Status of the Case or Claim: Motions to Dismiss were filed by all parties, and the motions were granted by a trial judge on September 13, 2016. Plaintiff filed a Notice of Appeals to the North Carolina Court of Appeals on October 13, 2016, and the parties are waiting for service of the proposed Record on Appeal.

What is the Prognosis of Recovery: It is unlikely Plaintiff will prevail in this matter.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: It is doubtful any monies will be offered in settlement of this matter or that Plaintiff will ultimately prevail.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employee, Angela Campbell: Rob Hasty from the County Attorney's office.

#6

Name of Case: Lana Stocks v. Cumberland County and N.C. Department of Commerce
Case No.: 15 CVS 8878

Date of the Complaint or Claim: November 30, 2015 (filing in Superior Court)

What is the Complaint or Case About: Plaintiff was dismissed from the Sheriff's Department, and she filed for unemployment benefits which were initially allowed. The County appealed, and an in person hearing was held at the Division of Employment Security. The Adjudicator reversed the award of unemployment benefits, holding the dismissal was for misconduct. The N.C. Department of Commerce Board of Review affirmed the Adjudicator's decision, and Plaintiff appealed to Superior Court.

What is the Relief Sought: The Plaintiff sought a finding that she is not disqualified from receiving unemployment benefits.

What is the Current Status of the Case or Claim: The case was argued before a Superior Court Judge, and the decision of the Board of Review and Adjudicator were affirmed. An Order was entered on May, 5, 2016, and no appeal from that Order has been received.

What is the Prognosis of Recovery: N/A.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: None.

What is the Date this Case or Claim was Closed: May 5, 2016

Who is the Attorney Representing the County and its Employees: Rob Hasty from the County Attorney's office.

#7

Name of Case: David Hampton and Mary Hampton v. Cumberland County
Case No.: 15 CVS 7449

Date of the Complaint or Claim: October 2, 2015 (filing in Superior Court)

What is the Complaint or Case About: Plaintiffs were cited by a Cumberland County Code Enforcement Officer for operating a firing range on their property without the necessary permit and ordered to remove the firing range. The Plaintiffs' appealed to the Board of Adjustment which held a hearing on September 7, 2015. The Board of Adjustment affirmed the citation but modified the Order such that the range could remain as long as all ordinance requirements were met (only owners allowed to use the range for occasional target practice, etc.). The Plaintiffs appealed the decision of the Board of Adjustment to Superior Court.

What is the Relief Sought: The Plaintiffs sought a finding that they were not in violation of the zoning ordinances and can operated their range for non-commercial activities.

What is the Current Status of the Case or Claim: The case was argued before a Superior Court Judge, and the decision of the Board of Adjustment was reversed by Order of April 13, 2016, allowing the range to be used by Plaintiffs with family and friends for target shooting and weapon sighting without any guidelines or restrictions. Cumberland County filed a Notice of Appeal to the North Carolina Court of Appeals on May 12, 2016, and all briefs have now been submitted. The parties are waiting for the Court of Appeals to schedule argument.

What is the Prognosis of Recovery: There is no monetary claim. The chances of prevailing on appeal are difficult to predict, but the best estimate is about 50-60%.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment:
None.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rob Hasty from the County Attorney's office.

#8

Name of Case: Cumberland County v. Barbara Bernard
Case No.: 15 SP 1427

Date of the Complaint or Claim: September 15, 2015

What is the Complaint or Case About: A foreclosure took place on property where there was a Deed of Trust in favor of Cumberland County Community Development. Surplus funds from the foreclosure sale in the amount of \$18,117.54, are being held by the Clerk of Court's office.

What is the Relief Sought: Cumberland County seeks release and payment of \$18,117.54 being held by the Clerk of Court.

What is the Current Status of the Case or Claim: A hearing was held before an Assistant Clerk of Court, and by Order of May 4, 2016, the funds are to be paid to Cumberland County. The funds are expected at any time.

What is the Prognosis of Recovery: 100%; an Order has been issued in favor of Cumberland County.

What is the Amount Either Paid or Probably Will be Paid in Settlement or Judgment: N/A; monies are being recovered in favor of Cumberland County.

What is the Date this Case or Claim was Closed: N/A

Who is the Attorney Representing the County and its Employees: Rob Hasty from the County Attorney's office.